

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

PAUL GRAHAME MORGAN

PLAINTIFF

V.

CIVIL ACTION NO. 2:07cv15-MTP

STATE OF MISSISSIPPI, *et al.*

DEFENDANTS

ORDER

THIS MATTER is before the court on Plaintiff's Motion [162] for Service of Subpoenas. Having considered Plaintiff's Motion, along with documents made a part of the record of this case and the applicable law, this court finds that the Motion [162] should be DENIED.

In his Motion [162], Plaintiff asks the court to issue subpoenas to the American Correctional Association and Methodist Rehabilitation Center, neither of which are named Defendants, for the production of certain documents and records. The discovery deadline set by the court passed on July 7, 2008. Although Plaintiff's motion for the issuance of subpoenas was filed before the discovery deadline, Plaintiff did not file his motion in sufficient time for the issuance of the subpoenas, the service of the subpoenas, and the compliance therewith to be complete before the expiration of the discovery deadline. *See* Local Rule 26.1(B); Fed. R. Civ. P. 45. Accordingly, Plaintiff's motion requesting that documents be subpoenaed is untimely. Further, Plaintiff has failed to show that the requested records are necessary for the prosecution of his case. Plaintiff may offer testimony and other medical records produced in this matter to establish his medical condition and the conditions of the prison.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [162] for Service of Subpoenas is hereby DENIED.

SO ORDERED this 18th day of July, 2008.

s/ Michael T. Parker

United States Magistrate Judge